

PUBLIC HEARING  
OF THE  
ARKANSAS BOARD OF APPORTIONMENT

Before  
GOVERNOR MIKE HUCKABEE, CHAIRMAN  
SECRETARY OF STATE SHARON PRIEST  
ATTORNEY GENERAL MARK PRYOR

Held in  
Fort Smith, Arkansas

July 20, 2001

9:10 a.m.



1                   GOVERNOR HUCKABEE: Good morning, everyone.  
2   If I could have your attention, we'd like to go ahead and  
3   get started. I know that our time is limited, because we  
4   still have to get to Fayetteville and also Mountain Home  
5   to conduct hearings.

6           At this time, it is my pleasure to call to order  
7   this meeting of the Board of Apportionment for the purpose  
8   of public comments. We have a number of these meetings  
9   scheduled across the state, and we hope during these  
10  various forums that we'll have around Arkansas that we'll  
11  have an opportunity to hear from you, thoughts you may  
12  have. We'll also be giving you an opportunity to see the  
13  maps and to get an idea of where the lines are tentatively  
14  drawn. And of course, after the final hearings, get back  
15  together, the Board of Apportionment will make a final  
16  submission and decision on the legislative boundaries.

17           Most of you are aware perhaps the Board of  
18  Apportionment is made up of the Governor, Attorney  
19  General, and the Secretary of State. By Arkansas law,  
20  it's our responsibility, after each census at the  
21  beginning of a decade, to draw legislative districts for  
22  both the Arkansas House and the Arkansas Senate. Quite  
23  frankly, it is a tedious, difficult process, and I would  
24  love to tell you that I have spent months and months  
25  12-hour days dealing with these legislative maps, but



1 actually, the real hard brunt work of this has been  
2 handled by some very dedicated members of our staffs, and  
3 I want to say thanks to them on the front end for just  
4 spending hours and hours and hours and hours over the past  
5 several months with computer software that gives them the  
6 ability to move literally every precinct to see how it  
7 affects the ultimate goal, which is one person, one vote.

8         One of the things that we're confident is that the  
9 courts consistently have ruled that our primary  
10 consideration ought to be to try to make the districts as  
11 evenly distributed as possible so that we do achieve that  
12 court mandate, one person, one vote, which each  
13 representative or senator represents an equal number of  
14 Arkansas citizens, and that's certainly understandable.

15         There are a lot of different considerations that go  
16 into it. I know that one consideration that we've all had  
17 to confront, as all of us have been lobbied, I know, by  
18 various people in office and those who wish to be, is  
19 protecting the incumbent seats. Each of us will have a  
20 different perspective. I personally think that is a very  
21 small insignificant consideration, and simply because in  
22 the era of term limits, 53 of the House members will only  
23 serve two of the next ten years. None of them will serve  
24 more than four of the next ten years. And senators will  
25 serve a limited number of time. It would appear that what



1 hopefully will drive our process more than incumbents'  
2 protection would be the protection of the people in the  
3 districts.

4 Certainly consideration can and should be made to  
5 accommodate every point of view possible, but I can also  
6 tell you - I think that the Attorney General and the  
7 Secretary of State would agree - that there is no way to  
8 make everybody happy in all of these districts; and if  
9 there was, we'd love to present it, but I doubt that's  
10 going to happen. But what we want to do is to be fair and  
11 equitable in the distribution, and today is not to engage  
12 in so much a debate as it is to simply take public  
13 comments from those from each of the various hearings we  
14 have, then reassemble and have a final report that we will  
15 issue to the people of the state.

16 I'm going to call upon both the Attorney General,  
17 Mark Pryor, and the Secretary of State, Sharon Priest, for  
18 opening comments; and then we'll move to a little  
19 background of the process and actually the presentation of  
20 the maps; and so at this time, Mr. Attorney General.

21 MR. PRYOR: Why don't you let Sharon go.

22 GOVERNOR HUCKABEE: Sharon, would you like to  
23 go first?

24 MS. PRIEST: Okay. Good morning. I am very  
25 pleased to be here today. As the Governor stated, we are





1 here to make -- to listen to your comments. I want to  
2 make sure that everybody understands that the lines as you  
3 see them today are not carved in stone, that they are  
4 subject to being changed; and in fact, we fully expect  
5 that those lines will be changed as we hear from -- from  
6 you and as we go through this process. It's been a  
7 difficult process as we've tried to -- tried to make  
8 people happy. As the Governor said, nobody will be -- you  
9 can't please everybody, but I would like to reiterate that  
10 the three of us are all elected people, and it is our goal  
11 to please as many people as we can and not to make them  
12 angry. We -- we feel, I think -- I think I can speak for  
13 all of us in saying that our goal is to try to please as  
14 many people as possible in this process.

15 I -- I think the most important thing that we can do  
16 is listen to what you have to say, understand -- we want  
17 to be sure that we understand exactly what you're saying,  
18 and that we have an opportunity, then, to go back and  
19 tweak the lines and see if we can make them better. I  
20 would say that we have no -- we have no monopoly on being  
21 the smartest ones when it concerns the lines, and  
22 there's -- there are probably many of you out there who  
23 have ideas that can help.

24 Again, to reiterate, this is not a two-year plan,  
25 it's not a four-year plan. It's a ten-year plan. And we



1 want you to keep that in mind as you're looking at the  
2 maps. It is to represent you for the next ten years.

3 Thank you.

4 MR. PRYOR: Thank you, Mr. Chairman. It -- I  
5 guess I would like to just say that we are here to listen,  
6 and this is a draft plan. We've all heard that already  
7 today, but we're here to listen and get input.

8 This is really a recommendation by our joint staffs.  
9 One thing I'm proud about for our staffs, we've gone to  
10 the same conferences, had the same software. There's not  
11 a Democratic set of conferences and a Democratic set of  
12 software and Republican conferences, Republican software.  
13 We've all really worked together. I'm very proud of the  
14 staff who tried to set aside their partisan differences,  
15 and they've really done the government's work, and the  
16 Governor mentioned them a minute ago, and we're very, very  
17 appreciative for all that they have done.

18 And I'll tell you, doing the redistricting process  
19 is not easy, because you get a lot of input from a lot of  
20 competing interests around the state, a lot of different  
21 ideas about how the maps ought to look. And maybe I was a  
22 little tired the other day, but not too long ago, I  
23 decided to play a joke on one of our senators. I won't  
24 name his name, but I called him up and I said, "Senator,  
25 I've got some bad news for you." He said, "What's that?"



1 I said, "We have eliminated your Senate district." He  
2 said, "What?" I said, "Yeah, your neighbor to the east  
3 came in and he said -- he said that, you know, he wanted  
4 half of your district, so we gave it to him; and then your  
5 neighbor from the west came in, he wanted the other half,  
6 so we gave it to him." He said, "Mark, let me tell you  
7 about those two guys." He said, "My neighbor to the east,  
8 he's a shyster and his dad before him was a shyster." He  
9 said, "My neighbor to the west, he never comes to any  
10 meetings, all he's trying to do is figure out ways to line  
11 his own pockets." I thought this conversation is not  
12 going very well, so I said, "Senator, look, I'm sorry, I  
13 was just kidding, I was just kidding, it was just a joke;  
14 your district is fine; we've looked at it, it's great, you  
15 ought to be real happy with it." He said, "Mark, how  
16 could you make me say that about two of the dearest  
17 friends a man ever had?" But that's kind of the way it is  
18 sometimes. People just get real emotional sometimes, and  
19 I'll tell you again the staff -- our staffs have been  
20 great. The Apportionment Board staff has been great just  
21 trying to wade through all the mountains of information  
22 and ideas and thoughts, and this is the product of that,  
23 but again, as Sharon said, we anticipate this map will  
24 change, so what I'd like to do is just turn it back to the  
25 Chairman here, the Governor, and let him just sort of



1 direct the meeting as need be.

2 Thank you.

3 GOVERNOR HUCKABEE: Mr. Attorney General,  
4 thank you very much.

5 We're going to begin by asking Butch Reeves, who is  
6 chief legal counsel in the Governor's office and one of  
7 the staff persons assigned to this task, to come and give  
8 some explanations of the process as well as the hearing  
9 procedures, and Butch, we'll turn it over to you.

10 MR. REEVES: Okay. We began this process  
11 last fall. It was actually in this room. It was some day  
12 in November. We've been around the state to get comment  
13 before we started. We got the census figures in  
14 mid-March, loaded them into the computer. About the third  
15 week of April we started, and we've been doing it since  
16 the third week of April. Nearly every working day, we've  
17 been at the redistricting office across from the capitol,  
18 Tim Humphries and Larry Crane from Sharon's office and  
19 Mark's office, myself, and a couple other people helping  
20 us, drawing the maps. We've been all over the board doing  
21 all kinds of things.

22 Now, I need to tell you the considerations that we  
23 use to start this process. The first one is United States  
24 Constitution, and the courts' interpretation of that is  
25 one person, one vote. That's what drives the majority of





1    this.  That means each House district should have 26,734  
2    people or as close to that as you can get.  Each Senate  
3    district should have 76,383 people or as close to that as  
4    you can get.  Now, there are variances.  We've tried to  
5    stick within 5 percent above or 5 percent below, because  
6    you have a presumption of constitutionality if you're  
7    within 10 percent.  Some are right on the money.  Some are  
8    1 percent, 2 percent, 3 percent over.  Some are 1 percent,  
9    2 percent, 3 percent under.  If you see the little chart  
10   that has the numbers, that will reflect that, but we  
11   really did try to stick to those percentages as close as  
12   we could.

13           Now, the Arkansas Constitution requires that this  
14   board, when they ultimately vote and draw these maps and  
15   ultimately vote on them, the only requirement is they not  
16   be arbitrary.  That means they had to have some guiding  
17   principles, and these are what they are.  Recognized by  
18   federal courts, United States Supreme Court especially.  
19   The first one is compactness, that the district is as  
20   compact as you can get it.  Contiguity, that it touches.  
21   You can't have half of a district here, then 5 miles down  
22   the road have another half of a district.  They have to  
23   touch.  Preservation of political subdivisions, such as  
24   cities, counties, trying to keep those intact if you can.  
25   On the Senate side, that's a little easier.  On the House



1 side, it's a little tougher. The bigger the city, the  
2 more times you have to split a city a block. We tried not  
3 to split precincts unless we had to, but sometimes that  
4 was necessary. Next would be the political and legal  
5 considerations that you're supposed to take into account.  
6 The preservation of communities of interest. For  
7 instance, the people in the northern part of the county  
8 may not have anything in common with the people in the  
9 southern part of the county except they live in the same  
10 county. They may be rural, industry. They may be  
11 farming, city. Those things, you take into consideration.  
12 The preservation of the cores of the existing districts.  
13 That's where the incumbency comes in. There -- On the  
14 Senate side, we've not paired any senators. There are not  
15 any two senators that are in -- current sitting senators  
16 in the same district. We tried to take those Senate  
17 districts into account, but population loss sometimes made  
18 us have to change the requirements. On the House, there  
19 are a few pairings. It was just unavoidable with the  
20 counties that lost population. There just wasn't any  
21 other way to do it. And the last thing is compliance with  
22 Section 2 of the Voting Rights Act. That means a group of  
23 people who have traditionally been discriminated against,  
24 you have to protect their rights or subject to the Voting  
25 Rights Act.



1           After that, after we got the guidelines given to us  
2   by the Supreme Court, we have had citizens call, we've had  
3   e-mails, we've had phone calls. We've all been to civic  
4   clubs, we've given speeches, we've had senators,  
5   representatives, county judges, mayors, metro planning  
6   people, planning people, Chamber of Commerce people. You  
7   name it, we've had them, we've talked to them, what they  
8   like, what they don't like, what they'd like to see, what  
9   they don't want to happen. It was done all three of us,  
10   in person, in groups, alone. The expected board members,  
11   as well, have been repeatedly given phone messages,  
12   messages, e-mails, letters, resolutions, City Council, all  
13   kinds of stuff.

14           So now we're here to get your comments, more to get  
15   your comments than anything else, what you like or don't  
16   like, what you suggest that we change. We'll take those  
17   comments at the end of the hearing. We're going to  
18   Fayetteville, Mountain Home. Next week we're going to  
19   Pine Bluff, El Dorado, and Hope; Beebe, Jonesboro, and  
20   Forrest City; and then Hot Springs; and finally Little  
21   Rock; and then the board will meet again at some point  
22   before Labor Day and actually vote on the map. I feel  
23   pretty confident it will change to some extent, so that's  
24   why we're here to get your comments. We'd prefer that  
25   they be about the map and what you like and don't like.



1 If there are any specific questions that the staff might  
2 could answer on something, but we'd prefer to hear your  
3 comments about the maps as they exist, because that's a  
4 draft map, and we'd just like to hear your comments so the  
5 board can take that in consideration when they vote.

6 So who would like to be first?

7 MR. CRANE: If I could. If you have a  
8 comment, if you would please give your name before you  
9 give your comment, so that the court reporter can make  
10 sure we get everyone down properly, who you are and who  
11 you represent, and if you could speak loudly and clearly,  
12 it would help the court reporter very much in getting a  
13 transcript of all of this so that the board members can  
14 have an accurate picture of what was said to review before  
15 they make any final decisions.

16 MR. REEVES: Yes, sir.

17 MR. PARRISH: Thank you.

18 My name is Rick Parrish. I'm city director for the  
19 City of Fort Smith, and I represent Ward 3, which is south  
20 Fort Smith, basically Ramsey south. A lot of my district  
21 is in Fianna Hills, and I do have some concerns. Fianna  
22 Hills in the past has been, as you said, divided in  
23 precincts, divided between towns, rural, and the cities,  
24 and it's going to continue to be that way, it looks like.  
25 My concern is why Fianna Hills -- all of Fianna Hills is





1 not within the city limits of the Fort Smith legislative  
2 district. In the past, it hasn't been. Like I said, just  
3 the opposite of what you've said. Brooken Hill has been  
4 the dividing line between Fort Smith and the south  
5 Sebastian County legislative district. It appears to be  
6 the same thing along that same line. Part of that, Fianna  
7 Hills, the growing area is not in Fort Smith. I'm just  
8 concerned that Fort Smith residents are not represented by  
9 a Fort Smith representative. On the other hand, I've got  
10 some concerns of east Fort Smith, the Village Harbor area,  
11 being a representative outside of the Fort Smith Senate  
12 district. Now, that's not my ward, but that's just  
13 another concern, as -- and a councilman of the City of  
14 Fort Smith. My primary concern was the Fianna Hills area,  
15 trying to keep Fianna Hills and the growing part of Fort  
16 Smith, the south part and the southeast part, in a Fort  
17 Smith legislative district instead of in a Greenwood or a  
18 rural district.

19 MR. REEVES: Okay. Who's next? Yes, sir.

20 MR. GIBSON: Keith Gibson. I live in Fort  
21 Smith on the east side. I have a related concern, and  
22 that is that it appears, from what I can see on the map,  
23 that the residents of east Fort Smith, particularly the  
24 Village Harbor area, and that -- quite a population over  
25 there. I believe on the Senate side, they are drawn into



1 a south Sebastian County district, a non-Fort Smith  
2 represented district, and -- but on the other hand, on the  
3 House of Representatives side, they are within a Fort  
4 Smith district, so there's a split there. And that --  
5 that may be of concern not only to the citizens of Fort  
6 Smith that are in that area, but also those who are in the  
7 rural district, because you have a -- you have sort of a  
8 conflict of interest if a -- on the Senate side, because a  
9 senator that's elected in that district will represent  
10 both an urban -- primarily urban area, Village Harbor, in  
11 that part of east Fort Smith, but also a large, if I see  
12 it -- if I'm looking at it right, a large rural district,  
13 and to me, that creates some conflicts on the -- in terms  
14 of representation. And of course, the other conflict  
15 seems to be on one side of the House, you're represented  
16 in a predominantly Fort Smith district. On the other  
17 side, you're represented in a predominantly rural  
18 district, so maybe some explanation on why east Fort Smith  
19 was drawn into a primarily south Sebastian County  
20 district -- Senate district would be in order.

21 MR. REEVES: Explanation. Only thing I can  
22 tell you is on the Senate side, we were strictly trying to  
23 get numbers, as many people as we could get in these  
24 districts and still within that guideline. Your comments  
25 about what you'd like to see switch is certainly something



1 we can look at when we go back.

2 MR. GIBSON: If you included east Fort Smith  
3 in the Fort Smith representation on the Senate side, would  
4 that overpopulate the district?

5 MR. REEVES: Yes.

6 MR. PRYOR: I think that's the question is  
7 what's the population of the city of Fort Smith? Does  
8 somebody know?

9 MR. HUMPHRIES: It's about 82,000.

10 MR. PRYOR: 82,000, so --

11 MR. HUMPHRIES: And the biggest the Senate  
12 districts can be is about 80,000.

13 MR. REEVES: See, on the House side, you've  
14 got 26,734, and you divide that into 82,000, and that kind  
15 of tells you what has to happen to some of the people on  
16 the edge of the city limits.

17 MR. GIBSON: So in other words, on the Senate  
18 side, you had to carve out part of Fort Smith because of  
19 population.

20 MR. REEVES: Even if you go a little bit  
21 above the deviation, you're still -- 82,000 is the line.

22 MR. PARRISH: What if we promise 2,000 won't  
23 vote? Never mind.

24 MR. REEVES: Anybody else? Yes, sir.

25 MR. WINGFIELD: My name is Ron Wingfield.



1 I'm a director of the City of Barling.

2 Basically, what I was interested in was I believe on  
3 the representatives, the way it's broke down, I believe  
4 the Barling is shown as -- as the gentlemen were talking  
5 about, shown in -- drawn into east Fort Smith, so that  
6 throws our representative as basically a representative  
7 that's in the east Fort Smith area. Barling has always  
8 been, as far as I know, and will be in south Sebastian  
9 County. This gives us some representation because we're  
10 more equally -- population-wise, our population means  
11 something when it comes to elections. If we're lumped in  
12 with Fort Smith, then it dilutes our vote. You know,  
13 we're about 4,000 people, and it dilutes our vote down to  
14 where it really doesn't mean a whole lot. It looks to me  
15 like it -- we need to stay with south Sebastian County.

16 MR. REEVES: Yes, sir.

17 MR. STRANG: James Strang, Fort Smith.

18 On the Senate part, I'm glad to see that you took  
19 the District 6, took in all of the northwest part of  
20 Sebastian County, because in the past it's been a part of  
21 Crawford County, and we just felt left out as far as  
22 representation. As far as --

23 MR. REEVES: We tried not to cross the river  
24 is what we were trying to do.

25 MR. STRANG: Right.





1           And on the House side, I'd like to see Fort Smith  
2   left like it is; in other words, the representatives be at  
3   large rather than in districts. I think --

4           MR. REEVES: Okay. Anybody else? Yes,  
5   ma'am.

6           MS. HILL: I'm Patti Hill, and I'm county  
7   clerk of Crawford County. Excuse me.

8           And I was just -- I thought about this this week,  
9   and I have discussed it with two of my commissioners and  
10   even Representative Prater who is here. We have an area,  
11   which is the proposed 66 and 83 representative districts,  
12   and it concerns the Kibler precinct, which you-all have  
13   proposed that Kibler proper be placed in 66 and the outer  
14   area in 83. That is splitting a precinct, but not only  
15   that, there is very little population out in that area.  
16   It is bottomland. And I would appreciate you-all looking  
17   at this, and I'll give your staff these maps to take back.

18           MR. REEVES: Okay. You're talking about  
19   moving this part right here from 83 into 66.

20           MS. HILL: Correct.

21           MR. REEVES: Jake.

22           MR. FILES: Jake Files, State Representative,  
23   and I got a couple of questions.

24           One is I appreciate being drawn into my district  
25   this time so I don't have to move.



1           The other is kind of referencing something  
2   Mr. Strang said. What was the thinking behind changing  
3   from multimember to single member? I understand the one  
4   person, one vote theory, as well, but last time we were  
5   here, that was brought up. Several people said it would  
6   be challenged; and in visiting with you, Butch, and a  
7   couple others, I understood that it had already been  
8   challenged and that wasn't an issue, and I just would like  
9   to hear some -- a little background on why it was changed.

10           MR. REEVES: Well, the only thing I can  
11   tell -- the only thing I can really tell you about that is  
12   the other multimember districts, we just as a staff  
13   recommended that we do away with those, and this one, as  
14   well. There were some comments at the last meeting, we've  
15   gotten some since then that said they wanted to do away  
16   with them. It would be -- There would be some splitting  
17   even if we left the multimember because of the 82,000  
18   population.

19           MR. FILES: Right.

20           MR. REEVES: We'd have to split Fort Smith,  
21   so -- I mean if you don't like them, you need to tell us  
22   that. We decided to split them, split it right down  
23   Rogers Avenue essentially is what we did because of the --  
24   doing away with the multimember in other parts of the  
25   state, as well. That's really the only reason we did it.



1                   MR. GIBSON: Can you tell me what the  
2 population figures are in 64 and 65 and 63?

3                   MR. REEVES: You can.

4                   MR. PRYOR: He's got them.

5                   MR. HUMPHRIES: Yeah.

6                   MS. CHITWOOD: Rogers Avenue is the dividing?

7                   MR. REEVES: Right there, yes, ma'am.

8                   MR. HUMPHRIES: 63 is 25,750. 64 is 25,936.

9 And 65 is 27,364.

10                  MR. REEVES: Yes, ma'am.

11                  MS. CHITWOOD: Dolores Chitwood from Fort  
12 Smith.

13                  Is your thinking that if you have -- you're either  
14 going to have multirepresentative or you're not all over  
15 the state?

16                  MR. REEVES: Yes, ma'am.

17                  MS. PRIEST: There were only three cities in  
18 Arkansas that had multimember districts, Fort Smith, Hot  
19 Springs, and Jonesboro, and they were -- we did a -- we  
20 did away with multimember at this point in all of the  
21 precincts.

22                  MR. REEVES: Anybody else? Yes, sir.

23                  MR. COCHRAN: Larry Cochran, Fort Smith.

24                  I'd like to congratulate thereapportionment on doing  
25 an excellent job in singling out these single-member



1 districts instead of the multimember districts. I think  
2 that you're going to have a serious tort challenge if you  
3 continue with multimember districts. You remember that in  
4 Jeffries versus Clinton, the courts ruled that multimember  
5 districts are unconstitutional, so I think you really  
6 ought to consider that in having single-member districts  
7 for Fort Smith.

8 MR. REEVES: Anybody else?

9 MR. JONES: Yes. Tom Jones from Pope County,  
10 a little farther from home.

11 And I also want to say thank you to the  
12 Reapportionment Board, because Pope County has been in a  
13 situation in the House district where we were really  
14 popular. We were touched by six representatives in the  
15 county. We're not as popular now, it's only four. But my  
16 question is, I was under the impression that our  
17 population in the county was real close to having a  
18 representative in the city of Russellville and one for the  
19 rest of Pope County, so I guess I would just ask if we had  
20 the figures of population and how close we were to having  
21 two representatives in Pope County, one for the city of  
22 Russellville and otherwise for the rest of the county.  
23 And of course, in my comment, I just want to make it very  
24 clear to my friend, Jeff Gillespie, I'm not trying to take  
25 him out of my personal district, because he'll be mad at





1 me.

2 MR. REEVES: Pope County has 54,469 people  
3 according to the new census. Russellville has 23,682.

4 MR. JONES: Okay. So if we're at 54,000 for  
5 the county and your line is basically 27,000 per House  
6 district?

7 MR. REEVES: Yes, sir.

8 MR. JONES: So it would sort of fall, from a  
9 population standpoint, there would be two in the county  
10 and we'd be left alone. Not left alone, but have two  
11 inside the county.

12 MR. REEVES: If we could do this in  
13 isolation, that would be better, but we don't have that  
14 luxury.

15 MR. JONES: Well, just that comment. Thank  
16 you.

17 MR. REEVES: But yes, sir. Thank you.

18 Anybody else?

19 MR. FILES: One other question.

20 MR. REEVES: Yes, sir.

21 MR. FILES: Looking at the Senate and the  
22 House districts together, was there any -- was there any  
23 logic is not the right way to ask this, but --

24 MR. PRYOR: No, that's a good question.

25 MR. REEVES: That's a fair question.



1                   MR. FILES: What was the logic in the eastern  
2 Fort Smith being in one representative, Fort Smith  
3 representative, and then outside a Fort Smith  
4 representative on the Senate side?

5                   MR. REEVES: It was strictly population. I  
6 can't tell you that we had the Senate maps or the House  
7 maps and we said, okay, let's put these three House  
8 districts in this one Senate district. It was just --  
9 That's just very difficult to do because of everything we  
10 had to look at, and so we did note that in our minds some  
11 from time to time, how many Senate districts impact this  
12 place, how many House districts, but to try to get them to  
13 coordinate, it's just very, very, very difficult.

14                  MR. PRYOR: By the way, Jake, you know, the  
15 number 35 doesn't divide into 100 evenly, and there's been  
16 a -- there's been an attempt in years past to have a  
17 constitutional amendment to even that up so that all the  
18 Senate districts would contain three House districts, but  
19 you can't do it right now. You can get close in a lot of  
20 areas, but you can't -- can't ever do it exactly.

21                  MR. REEVES: Anybody else? Any other  
22 comments?

23                  MR. CANFIELD: The -- perhaps -- Jerry  
24 Canfield. I don't represent anyone but myself.

25                  Perhaps the one change that might get closer to that



1 would be to take the area in Fianna Hills, which is  
2 outside 65, 63, and 64 now, and put it within one of those  
3 areas, and then take -- in keeping with Mr. Wingfield's  
4 comment, take Barling out of the 63 district in exchange  
5 for that, and then the Senate district would look much  
6 closer to the three Fort Smith House districts.

7 MR. REEVES: Okay.

8 MR. PRYOR: And excuse my ignorance on that,  
9 but show me where Fianna Hills is on the map.

10 MR. CANFIELD: It's the little triangular  
11 area right where Highway 71 is marked there. And Barling  
12 is on the eastern side of the 63 district.

13 MR. PRYOR: Yeah.

14 MR. CANFIELD: The Senate district, Senate  
15 District 13 has the Fianna Hills area in it.

16 MR. REEVES: Yes, it does.

17 MR. CANFIELD: And does not have the Barling  
18 area in it.

19 MR. REEVES: Any other comments that you'd  
20 like to relay?

21 MR. WINGFIELD: I think that makes sense.

22 MR. REEVES: All right. Thank you.

23 GOVERNOR HUCKABEE: Are we going to be  
24 through that early? We scheduled two hours. Does anyone  
25 have any good stories they would like to tell? Pick up



1     some new jokes. All of us need them.

2                   MS. POST: Could I make a statement?

3                   GOVERNOR HUCKABEE: Certainly.

4                   MS. POST: I'm Veronica Post, mayor of Altus,  
5     and I'm delighted to have all of you here from Little Rock  
6     in this part of the state. It is a tough job that you  
7     have to do, and reapportionment is not probably a pleasant  
8     task at all when you try to move people out of one  
9     district into another, but the whole purpose of it is to  
10    make the districts more even population-wise. We just had  
11    a census, so it makes sense that now is the time you have  
12    to do it. I just ask that citizens be working with you as  
13    much as possible. You do -- You have done a great job.  
14    You're doing these public hearings and open meetings like  
15    this. And I know that when I call Little Rock, you've all  
16    been very helpful. I just want to add my commendations to  
17    those you've already received today that you're doing a  
18    great job, and hopefully the citizens will be able to just  
19    accept what the final vote is and know that you did the  
20    best job that you could, and I thank you again.

21                  GOVERNOR HUCKABEE: We want to make sure that  
22    comment is entered into the record.

23                  MR. PRYOR: Yes. You can quote her on that.

24                  GOVERNOR HUCKABEE: There's the headline for  
25    you.





1           Let me call upon each of the other members to make  
2   closing comments, and I'll close the meeting.

3                   MS. PRIEST: I guess the thing that I really  
4   want people to again understand is that we are willing to  
5   change the lines on the map. They're not -- they're not  
6   carved in stone. And I think that's really important for  
7   people to -- to understand.

8           The other thing is because -- We were very  
9   successful in the census. We actually ended up with  
10   almost 14 percent growth over what we had ten years ago,  
11   and we ended up with higher growth than anticipated from  
12   the estimates, and that's a good thing, because we'll get  
13   turnback funds for that, and I think that's a very good  
14   thing. It has made it difficult in terms of the ideal  
15   House and ideal Senate districts, especially because --  
16   especially in south Arkansas, I would say, because the  
17   numbers have grown. Basically a Senate district ideally  
18   is 9300 people more than what it was ten years ago, and  
19   that's a whole lot to deal with geographically speaking.  
20   Up here in the north part of the state where there has  
21   been significant growth, the districts have gotten  
22   geographically smaller, particularly up in the  
23   Fayetteville and Benton -- or Washington and Benton County  
24   areas, and a lot of -- a lot of the maneuvering was done  
25   to -- to deal with getting the numbers, but we shouldn't





1 be too upset, because the numbers worked in our favor in  
2 terms of revenue, so we -- we really are trying to make  
3 sure that we equalize it, that the districts look -- and  
4 actually now look better than they did ten years ago.  
5 They're not as -- I don't want to say gerrymandered, but  
6 they -- we tried to square them up and make them -- make  
7 them more logical than what they were ten years ago. So  
8 it's been a real effort, and I think that the three  
9 offices have worked well together, and we have no reason  
10 to believe that we won't come forward to you with a  
11 unanimous vote on the plan.

12 MR. PRYOR: I just wanted to thank you all  
13 for being here, and you-all's comments have been good and  
14 constructive, and you are the reason we're doing this, and  
15 we appreciate you-all being here, appreciate your input,  
16 and we'll go back and put our heads together and try to do  
17 the best we can, so thank you.

18 GOVERNOR HUCKABEE: And let me say thanks for  
19 coming out on a Friday morning, hot July day, to give your  
20 comments. I think it was pretty evident that there will  
21 be changes in the plan before it's in its final  
22 submission. We hope that there will be some -- the input  
23 that you've given us that will help to draw the districts  
24 as equitable as possible and also as appropriately as  
25 possible to represent the interests; and obviously, one of



1 the real challenges, and I think it was pointed out by the  
2 Pope County illustration, in a perfect world, if every  
3 little district could be isolated, it would be real easy  
4 if you just take the numbers, but once you start, it has a  
5 domino effect. If you start in the northwest or the  
6 southeast or whatever part of the state, and then you're  
7 down to those final moments where you're moving  
8 individuals around. Jake had indicated that he was at  
9 least placed in his own district. That was much to the  
10 protest of your local real estate agent, who would like to  
11 have you move again, so -- the commission, but despite  
12 that, I think we'll continue to try to take all these  
13 comments into consideration and hopefully have a decent  
14 process. Did you have any --

15 MR. GIBSON: I'm sorry. Before -- I should  
16 have asked this before you made your closing comments, but  
17 it just occurred to me, and maybe this is a question for  
18 legal counsel. If the citizens of Fort Smith wanted to  
19 keep the multimember districts and you heard loudly from  
20 them that they wanted to do that, do you see a legal  
21 problem with that, you or the Attorney General's office?  
22 Is there a constitutional issue involved in that?

23 MR. PRYOR: Let's let Larry take that.

24 MR. CRANE: Any time -- Okay. First of all,  
25 there's no absolute prohibition. Get that out on the



1 table to start with. However, any time you have a  
2 situation where you have multimember elections and you  
3 have any significant minority groups within that, there is  
4 almost a legal presumption that you have the multimember  
5 districts existing to dilute the vote of whatever  
6 minorities there are. Staff made a decision early on, at  
7 the urging -- After we did our first round of public  
8 hearings, we got several comments; and in fact, over in  
9 east Arkansas out in the parking lot, we got one real loud  
10 comment from a legislator who was not going to run again  
11 and who said multimember districts are an abomination.  
12 They are not a good thing for the public, because the  
13 public doesn't know who their legislator is. They're not  
14 a good thing for people who have to run for the offices  
15 because instead of running -- For example, here, in a  
16 single-member district with a population of 26-odd  
17 thousand, you have to run in a three-member district and  
18 you have to spend the money to address a much larger  
19 population with respect to voters. Overall, quite  
20 honestly, staff made the decision that Arkansas would be  
21 better not to have multimember districts, and that was  
22 what we recommended to the board.

23 GOVERNOR HUCKABEE: Well, thank you very  
24 much. We appreciate your participation today, and you're  
25 certainly welcome to any additional comments you would





1    like to place by mail, e-mail, standing on the capitol  
2    steps waving and shouting.  Thank you very much.  
3    (Wherein, the hearing was adjourned.)

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## 1 C E R T I F I C A T E

2 STATE OF ARKANSAS )  
3 )  
COUNTY OF BENTON )

4 I, SHEILA B. ALEXANDER, Certified Court  
5 Reporter, a notary public in and for the aforesaid county  
6 and state, do hereby certify that the foregoing  
7 proceedings were taken by me in Stenotype and were  
8 thereafter reduced to typewritten form by me or under my  
9 direction and supervision; that the foregoing transcript  
10 is a true and accurate record of the proceedings to the  
11 best of my understanding and ability.

12 IN WITNESS WHEREOF, I have hereunto set my hand  
13 and affixed my seal of office this 24th day of July, 2001.

14

15

16

17

SHEILA B. ALEXANDER, CCR, RMR, LS #586  
NOTARY PUBLIC  
In and for the County of Benton  
State of Arkansas

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My Commission Expires  
December 9, 2008

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